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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,775	11/20/2003	John A. Griego	1001.1719101	8387

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EXAMINER

PRONE, CHRISTOPHER D

ART UNIT	PAPER NUMBER
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3738

MAIL DATE	DELIVERY MODE
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01/28/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Priority Date

The priority date of this application is its filing date, 11/20/03.

Status of Claims

Claims 2-4, 8-19, 38, and 41 are cancelled. Claims 1, 5-7, 20-37, 39, 40, and 42-50 are pending, of which claims 5, 6, 20-36, and 44-50 are withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 37, 39, 40, and 43 are rejected under 35 U.S.C. 103 as being unpatentable over Kline USPN 5,376,094 in view of Savage USPN 6,530,899 B1.

Kline discloses the invention substantially as claimed being a surgical snare device comprising a tubular sheath 14 having a handle 10, a shaft 12 that is slidable within the sheath, a snare loop 20 having a plurality of legs attached at the end of the shaft that is slidable within the sheath moving it from an expanded position to an unexpanded position. However, Kline does not disclose a swivel connection between the shaft and snare loop.

Savage teaches the use of a swivel connection between two elements comprising a bearing encased in a housing [3:44-49] in the same field of endeavor for the purpose of preventing kinking of flexible medical hoses.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the crimp connection of Kline with the bearing swivel connection comprising a swivel housing and bearings as taught by Savage in order to allow easy rotation without kinking of the cables.

Claims 7 and 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kline in view of Savage as applied to Claims 1, 3, 37, 39-41, and 43 above, and further in view of United States Patent 4,326,530 Fleury Jr.

Kline as modified by Savage discloses the invention substantially as claimed being described supra. However, the combination does not disclose that the surgical loop includes a braid.

Fleury Jr teaches the use of a surgical loop comprising a braid in the same field of endeavor for the purpose of providing a loop with enhanced fidelity giving the user a better feel for what is happening with the loop.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the braided loop of Fleury Jr with the surgical snare device of Kline as modified by Savage in order to provide a loop with enhanced fidelity.

Response to Arguments

Applicant's arguments filed 12/4/09 have been fully considered but they are not persuasive. The applicant argues that Savage fails to correct the deficiencies of Kline because it does not disclose a bearing disposed within a swivel body. The applicant supports this argument by citing the figures and reference numbers of Savage. However Savage clearly states in the specification [3:44-49], and cited by the rejection, that the device can include other attachment joint designs such as a "bearing encased in a housing member". A housing member can inherently be called a swivel body.

wire 104. Although a ball and bushing have been utilized in the preferred embodiment, other designs which allow housing 122 to swivel or rotate about attachment joint designs may be used (e.g., a bearing encased in a housing member, etc.). 45

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3738

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER D. PRONE whose telephone number is (571)272-6085. The examiner can normally be reached on Monday through Fri 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on (571) 272-4754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher D Prone
Examiner
Art Unit 3738

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Supervisory Patent Examiner, Art Unit 3738